

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Suttle Peters et al.
Appl. No. : Not Yet Assigned
Filing Date : Herewith (February 24, 2004)
Title : Heart Assist Devices, Systems and Methods
Previous Group Art Unit 3762
Previous Examiner : Scott M. Getzow
Docket No. : 13634.4006

MAIL STOP - DD
Commissioner for Patents
P.O. Box 1450
Washington, DC 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 were previously cited in co-pending Serial No. 09/869,923, filed on October 14, 2001, and copies are not enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
37 CFR §1.10

Date: February 24, 2004
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I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage, envelope addressed to: MAIL STOP DD, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.



LYNNE FULMER
DOCSOC1:147849.1
13634-4006 J2G

Applicant : William Suttle Peters et al.
Appl. No. : Not Yet Assigned
Examiner : Not Yet Assigned
Docket No. : 13634.4006

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

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Examiner : Not Yet Assigned
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STATEMENT UNDER 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. 15-0665 for the above fee(s).

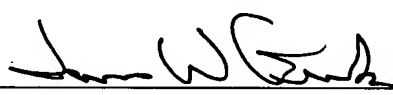
The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 24, 2004

By: _____


James W. Geriak
Reg. No. 20,233

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614
949/567-6700 Telephone
949/567-6710 Facsimile

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	Herewith (2/24/2004)
				First Named Inventor	Peters et al.
				Previous Group Art Unit	3738
				Previous Examiner Name	Scott M. Getzow
Sheet	1	of	2	Attorney Docket Number	13634.4006

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY
		Number	Kind Code ²		
		6,471,633		Freed	10/29/2002
		6,066,085		Heilman et al.	05/23/2000
		6,045,496		Pacella et al.	04/04/2000
		6,030,336		Franchi	02/09/2000
		5,647,380		Campbell et al.	07/15/1997
		5,569,156		Mussivand	10/29/1996
		5,429,584		Chiu	07/04/1995
		5,372,573		Habib	12/13/1994
		5,273,518		Lee	12/28/1993
		5,267,940		Moulder	12/07/1993
		5,222,980		Gealow	06/29/1993
		5,205,810		Guiraudon et al.	04/27/1993
		4,979,936		Stephenson et al.	12/25/1990
		4,813,952		Khalafalla	03/21/1989
		4,809,676		Freeman	03/07/1989
		4,697,574		Karcher et al.	10/06/1987
		4,630,597		Kantrowitz et al.	12/23/1986
		4,583,523		Kleinke et al.	04/22/1986
		4,457,673		Conley et al.	07/03/1984
		4,304,225		Freeman	12/08/1981
		4,195,623		Zeff et al.	04/01/1980
		4,176,411		Runge	12/04/1979
		4,051,840		Kantrowitz et al.	10/04/1997
		4,014,318		Dockum et al.	03/29/1997

Examiner Signature	DOCSOC1:147840.1 13634-4006 J2G	Date Considered	
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Unique citation designation number. ³See attached Kinds of U.S. Patent Documents. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	Herewith (2/24/2004)
				First Named Inventor	Peters et al.
				Previous Group Art Unit	3738
Previous Examiner Name	Scott M. Getzow				
Attorney Docket Number	13634.4006				
Sheet	2	of	2		

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY
		Office ³	Number ⁴	Kind Code ⁵		
			WO 01/13974			
			WO 99/04833		PCT	02/04/1999
			WO 92/08500		PCT	05/29/1992
			0 216 042		European	04/01/1987

ARTICLES/PUBLICATIONS	
Examiner Initials	Furman, Seymour et al., "Cardiac Support by Periaortic Diastolic Augmentation," New York Journal of Medicine, August 1, 1970, pp. 1964-1969
	Stewart, J.L., "Aortic Cuff a Cardiac Assistance Device," Polytechnic Institute of Brooklyn, 1968, pp. 9-108

Examiner Signature	DOCSOC1:147840.1 13634-4006 J2G	Date Considered	
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